

Emergency Rules
of the
Department of Agriculture
Division of Regulatory Services

Chapter 0080-05-12
Kerosene and Motor Fuels Quality Inspection Regulations

Statement of Necessity Requiring Emergency Rules

Pursuant to T.C.A. § 4-5-208, the Department of Agriculture is promulgating emergency rules that will amend Chapter 0080-05-12 Kerosene and Motor Fuels Quality Inspection Regulations covering standards for gasoline blended with ethanol.

The Department has concluded that there is an immediate danger to the public welfare, such that the use of any other form of rulemaking authorized by T.C.A. Title 4, Chapter 5, would not adequately protect the public. It has been determined that the current rules for finished gasoline blended with ethanol will impede the lawful blending of such fuels, and that the current rules can be amended to account for the testing variances that occur when ethanol is blended into finished gasoline, while still ensuring vehicle operability and thus protecting the consumer. Therefore, these emergency rules will remove the fuel blending barriers that now exist and result in more blending of ethanol into finished gasoline, making more fuel choices available to the consuming public while also furthering Tennessee's goal of increased energy security.

For copies of the entire text of the proposed amendments, contact: Jimmy Hopper, Director, Division of Regulatory Services, Department of Agriculture, Ellington Agricultural Center, 615-837-5150.

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The text of the proposed amendments to the current rule as part of this emergency action is as follows:

Rule 0080-05-12-.02 Standard Fuel Specifications Paragraph (1) and Subparagraphs (a) and (b) are amended by deleting the current language in its entirety and submitting the following language so that, as amended, the paragraph and subparagraphs shall read:

0080-05-12-.02 Standard Fuel Specifications.

- (1) Gasoline and Gasoline-Oxygenate Blends. - (as set forth in this regulation) shall meet the following requirements:
 - (a) The most recent version of ASTM D 4814, "Standard Specification for Automotive Spark Ignition Engine Fuel." Gasoline blended with ethanol at

concentrations up to ten percent by volume shall be blended under any of the following three options:

1. The base gasoline used in such blends meets the requirements of ASTM D 4814 and the ethanol meets the requirements of ASTM D 4806. The finished blend meets ASTM D 4814 with the following permissible exceptions;
 - (i) The distillation minimum temperature at the 50 volume percent evaporated point shall not be less than 66°C (150 °F).
 - (ii) The Minimum Test Temperature at which the Vapor/Liquid Ratio is equal to 20 shall be as follows for the applicable vapor lock protection class:

Class 1 shall be 51.5 °C (125 °F)
Class 2 shall be 49.0 °C (120 °F)
Class 3 shall be 45.0 °C (113 °F)
Class 4 shall be 41.5 °C (107 °F)
Class 5 shall be 37.0 °C (99 °F)
Class 6 shall be 35.0 °C (95 °F)
2. The blend meets the requirements of ASTM D 4814.
3. The base fuel used in such blends meets all the requirements of ASTM D 4814 except distillation, and the blend meets the distillation requirements of ASTM D 4814.

(b) Blends of gasoline and ethanol shall meet the following vapor pressure requirements:

1. During the period between June 1 and September 15 of each calendar year, blends containing a minimum of 9 percent ethanol by volume and a maximum of 10 percent ethanol by volume shall not exceed the ASTM D 4814 vapor pressure limits by more than 1.0 p.s.i. All other blend concentrations shall meet the ASTM D 4814 vapor pressure limits.
2. During the period between September 16 and May 31 of each calendar year, all blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure limits by more than 1.0 p.s.i.

Authority: T.C.A. §47-18-1304 and §47-18-1309.

Rule 0080-05-12-.02 Standard Fuel Specifications is amended by adding the following language and renumbering the remainder of the section:

(c) Blends of gasoline and ethanol shall contain no more than 10 volume percent ethanol.

Authority: T.C.A. §47-18-1304 and §47-18-1309.

The emergency rules set out herein were properly filed in the Department of State on the 5th day of September, 2007, and will be effective from the date of filing for a period of 165 days. These emergency rules will remain in effect through the 17th day of February, 2008. (FS 09-01-07; DBID 2664)